

INTERVIEW SUMMARY

Applicant sincerely thanks Examiner Ali for discussing the instant application with Applicant's agent, Robert G. Hartman, during an interview of April 4, 2007.

During the interview, Applicant's agent submitted that neither of the two §102 references cited by the Office discloses all of the elements of the independent claims for which the references are cited. Applicant's agent therefore submitted that all pending claims stand in condition for allowance. Although no agreement was reached, Examiner Ali encouraged Applicant's agent to submit these arguments in writing. Examiner Ali further stated that if the next anticipated Office Action is anything other than a Notice of Allowance, then the Examiner would call Applicant's agent in hopes of placing the application in condition for allowance.

In addition, Applicant's agent submitted during the interview that the outstanding Non-Final Office Action fails to meet the Office's burden in rejecting Applicant's pending claims. Although the Office appears to reject all of Applicant's 44 pending claims under 35 U.S.C. §102, 34 of these claims are rejected only for "their dependencies on independent claims." Applicant's agent pointed out that the fact that a claim depends from a rejected independent claim is not a proper basis for rejection. In addition, claim 45 stands rejected "at least for its dependency", despite the fact that this claim is an independent claim.

While Applicant's agent submitted during the interview that these 35 claims stand allowable as not being properly rejected over any prior art, Examiner Ali disagreed. Applicant's agent therefore submitted that the Non-Final Office Action fails to comply with 37 C.F.R. 1.104. ("The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified."). As such,

Applicant's agent submitted that the Office must issue another Non-Final Office Action before issuing a Final Action. While no agreement was reached, Examiner Ali did indicate that if indeed the outstanding Non-Final Office fails to address the subject matter of these 35 claims, then issuance of a Final Action in the Office's next Action would indeed be improper. Applicant thanks Examiner Ali for this indication.

Applicant again sincerely thanks Examiner Ali for his time. Applicant also encourages Examiner Ali to call Applicant's agent before issuance of an Action, if the next anticipated Action is anything other than a Notice of Allowance.